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Paper No. 5

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**COPY MAILED**

**JUN 05 2001**

**OFFICE OF PETITIONS  
A/C PATENTS**

In re Application of	:	
Emilija M. Simic et al.	:	DECISION GRANTING
Application No. 09/707,458	:	PETITION
Filed: November 7, 2000	:	
Attorney Docket No. 990288	:	

This is a decision on the paper styled "Petition For Corrected Filing Date" filed March 7, 2001, which is properly treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of November 6, 2000, rather than the presently accorded filing date of November 7, 2000. Receipt is also acknowledged of the duplicate petition filed May 16, 2001.

Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on November 6, 2000. In support, applicants provided a copy of the Express Mail label, receipt no. EJ437701104US, showing a Date-In of November 6, 2000. The same Express Mail receipt number is noted on the original Application Transmittal Letter and application papers in the case. Applicants request that the application be accorded a filing date of November 6, 2000.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on November 6, 2000.

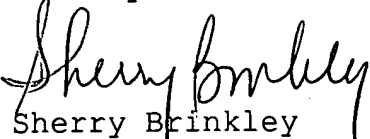
The petition is granted.

A copy of the corrected Filing Receipt is enclosed.

Pursuant to petitioner's authorization, Deposit Account No. 17-0026 will be charged \$18.00 for the claims in excess of twenty.

The application is being returned to Technology Center AU 2634  
for examination in due course.

Telephone inquiries specific to this matter should be directed to  
Wan Laymon at (703) 306-5685.

A handwritten signature in cursive script, appearing to read "Sherry Brinkley".

Sherry Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy